

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE ENROLLED ACT No. 1148

AN ACT to amend the Indiana Code concerning courts and court officers and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 33-1-15-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. This chapter expires June 30, ~~1999~~: **2003**.

SECTION 2. IC 33-2.1-12-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. Beginning July 1, 1999, and every **state fiscal** year thereafter, there is appropriated from the state general fund to the office of judicial administration, division of state court administration, ~~five~~ **six** hundred ~~fifty~~ **twenty-five** thousand dollars (~~\$550,000~~), **(\$625,000)** to be used for the Indiana conference for legal education opportunity established by this chapter.

SECTION 3. IC 33-4-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) The county of Clark shall constitute the Fourth Judicial Circuit of the State of Indiana.

(b) **The judges of the Clark circuit court and Clark superior court may jointly appoint one (1) full-time magistrate under IC 33-4-7 to serve the circuit and superior courts.**

(c) **The magistrate continues in office until removed by the judges of the Clark circuit and superior courts.**

SECTION 4. IC 33-4-1-22 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 22. (a) The county of Floyd shall constitute the Fifty-second Judicial Circuit.

(b) **The judges of the Floyd circuit court, Floyd superior court, and Floyd county court may jointly appoint one (1) full-time magistrate under IC 33-4-7 to serve the circuit, superior, and county courts.**

(c) **The magistrate continues in office until removed by the judges of the Floyd circuit, superior, and county courts.**

SECTION 5. IC 33-4-1-45 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 45. (a) The county of Lake shall constitute the 31st judicial circuit.

(b) The judge of the Lake circuit court may appoint ~~one (1)~~ **two (2)** full-time ~~magistrate~~ **magistrates** under IC 33-4-7 to serve the **Lake circuit court. One (1) of the magistrates shall serve the** domestic relations counseling bureau established under IC 31-12-2. The judge shall specify the duties of a magistrate appointed under this subsection. A magistrate continues in office until removed by the judge of the circuit court.

SECTION 6. IC 33-4-1-46 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 46. (a) The county of LaPorte shall constitute the Thirty-second Judicial Circuit.

(b) **The judges of the LaPorte circuit court and LaPorte superior court No. 4 may jointly appoint one (1) full-time magistrate under IC 33-4-7 to serve the circuit and superior courts.**

(c) **The magistrate continues in office until removed by the judges of the LaPorte circuit court and LaPorte superior court No. 4.**

SECTION 7. IC 33-4-1-75.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 75.1. The judge of the St. Joseph circuit court may appoint ~~one (1)~~ **two (2)** full-time ~~magistrate~~ **magistrates** under IC 33-4-7 ~~The to serve the circuit court.~~ **A magistrate continues in office until removed by the judge.**

SECTION 8. IC 33-4-1-77 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 77. (a) The County of Sullivan shall be and constitute the fourteenth judicial circuit.

(b) **The judge of the Sullivan circuit court and the judge of the Sullivan superior court may jointly appoint one (1) full-time magistrate under IC 33-4-7 to serve the circuit and superior courts.**

(c) **The magistrate continues in office until removed by the judge of the Sullivan circuit court and the judge of the Sullivan superior court.**

SECTION 9. IC 33-4-7-3.5 IS ADDED TO THE INDIANA CODE



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AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 3.5. The files of applicants for appointment as a magistrate, including the names of applicants, are confidential as provided in IC 5-14-3-4(b)(8).**

SECTION 10. IC 33-5-5.1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) The court may appoint such number of probate commissioners, juvenile referees, bailiffs, court reporters, probation officers, and such other personnel, including but not limited to an administrative officer, as shall in the opinion of the court be necessary to facilitate and transact the business of the court. In addition to the personnel authorized under this subsection and IC 31-31-3, the judges of the Allen superior court-civil division may jointly appoint not more than ~~two (2)~~ **four (4)** full-time magistrates under IC 33-4-7 to serve the Allen superior court-civil division. The judges of the Allen superior court-civil division may jointly assign any such magistrates the duties and powers of a probate commissioner. In addition to the personnel authorized under this subsection and IC 31-31-3, the judge of the Allen superior court-criminal division may jointly appoint not more than ~~two (2)~~ **three (3)** full-time magistrates under IC 33-4-7 to serve the Allen superior court-criminal division. Any such magistrate serves at the pleasure of, and continues in office until jointly removed by, the judges of the division that appointed the magistrate. All appointments made under this subsection shall be made without regard to the political affiliation of the appointees. The salaries of the above personnel shall be fixed and paid as provided by law. If the salaries of any of the above personnel are not provided by law, the amount and time of payment of such salaries shall be fixed by the court, to be paid out of the county treasury by the county auditor, upon the order of the court, and be entered of record. The officers and persons so appointed shall perform such duties as are prescribed by the court. Any such administrative officer appointed by the court shall operate under the jurisdiction of the chief judge and shall serve at the pleasure of the chief judge. Any such probate commissioners, magistrates, juvenile referees, bailiffs, court reporters, probation officers, and other personnel appointed by the court shall serve at the pleasure of the court.

(b) Any probate commissioner so appointed by the court may be vested by said court with all suitable powers for the handling and management of the probate and guardianship matters of the court, including the fixing of all bonds, the auditing of accounts of estates and guardianships and trusts, acceptance of reports, accounts, and settlements filed in said court, the appointment of personal

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representatives, guardians, and trustees, the probating of wills, the taking and hearing of evidence on or concerning such matters, or any other probate, guardianship, or trust matters in litigation before such court, the enforcement of court rules and regulations, the making of reports to the court concerning his doings in the above premises, including the taking and hearing of evidence together with such commissioner's findings and conclusions regarding the same, all of such matters, nevertheless, to be under the final jurisdiction and decision of the judges of said court.

(c) Any juvenile referee so appointed by the court may be vested by said court with all suitable powers for the handling and management of the juvenile matters of the court, including the fixing of bonds, the taking and hearing of evidence on or concerning any juvenile matters in litigation before the court, the enforcement of court rules and regulations, the making of reports to the court concerning his doings in the above premises, all of such matters, nevertheless, to be under final jurisdiction and decision of the judges of said court.

(d) For any and all ~~of~~ the foregoing purposes, any probate commissioner and juvenile referee shall have the power to summon witnesses to testify before the said commissioner and juvenile referee, to administer oaths and take acknowledgments in connection with and in furtherance of said duties and powers.

(e) The powers of a magistrate appointed under this section include the powers provided in IC 33-4-7 and the power to enter a final order or judgment in any proceeding involving matters specified in IC 33-5-2-4 (jurisdiction of small claims docket) or IC 34-26-2 (protective orders to prevent abuse).

SECTION 11. IC 33-5-9.7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 1. There ~~is~~ **are** established ~~a court~~ **two (2) courts** of record to be known as ~~the~~ Cass superior court **No. 1 and Cass superior court No. 2** (referred to as "~~the~~ **a** "court" in this chapter). ~~The~~ **Each** court may have a seal containing the words "Cass Superior Court (**insert No. 1 or No. 2**), Cass County, Indiana". Cass County comprises the judicial district of ~~the~~ **each** court.

SECTION 12. IC 33-5-9.7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 2. ~~The~~ **Each** court has one (1) judge, who shall be elected at the general election every six (6) years in Cass County. His term begins January 1 following his election and ends December 31 following the election of his successor.

SECTION 13. IC 33-5-9.7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 3. ~~The~~ **(a) Cass superior** court **No. 1** has the same jurisdiction as the Cass circuit court,

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except that only the circuit court has juvenile jurisdiction.

(b) Cass superior court No. 2 has the same jurisdiction as Cass superior court No. 1.

SECTION 14. IC 33-5-9.7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 4. The judge of ~~the~~ **each** court has the same powers relating to the conduct of the business of the court as the judge of the Cass circuit court. The judge of the court also may administer oaths, solemnize marriages, and take and certify acknowledgments of deeds.

SECTION 15. IC 33-5-9.7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 8. The clerk of the Cass circuit court shall serve as the clerk of ~~the~~ **each** court, and the sheriff of Cass County shall serve as the sheriff of ~~the~~ **each** court. They shall attend the ~~court courts~~ and perform the same duties relating to their offices as they are required to do with respect to the Cass circuit court.

SECTION 16. IC 33-5-9.7-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 9. The judge of ~~the~~ **each** court shall appoint a bailiff and an official court reporter for the **judge's** court. Their salaries shall be fixed in the same manner as the salaries of the bailiff and official court reporter for the Cass circuit court. Their salaries shall be paid monthly out of the treasury of Cass County as provided by law.

SECTION 17. IC 33-5-9.7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 10. The clerk of the court, under the direction of the judge of ~~the~~ **each** court, shall provide order books, judgment dockets, execution dockets, fee books, and other books for ~~the~~ **each** court, which shall be kept separately from the books and papers of other courts.

SECTION 18. IC 33-5-9.7-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 11. ~~The Each~~ court shall hold its sessions in the Cass County courthouse in Logansport, Indiana, or in such other places in the county as the board of county commissioners of Cass County may provide. The board of county commissioners shall provide and maintain a suitable ~~courtroom~~ **courtrooms** and other rooms and facilities, including furniture and equipment, as may be necessary. The county council of Cass County shall appropriate sufficient funds for the provision and maintenance of such rooms and facilities.

SECTION 19. IC 33-5-9.7-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 12. The jury commissioners appointed by the judge of the Cass circuit court shall

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serve as the jury commissioners for ~~the each~~ court. Juries shall be selected in the same manner as juries for the Cass circuit court. The grand jury selected for the Cass circuit court shall also serve as the grand jury for ~~the each~~ court as may be necessary.

SECTION 20. IC 33-5-9.7-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 14. The judge of the Cass circuit court may, with the consent of the judge of ~~the a~~ court, transfer any action or proceeding from the circuit court to the court. The judge of ~~the a~~ court may, with consent of the judge of the circuit court, transfer any action or proceeding from the court to the circuit court.

SECTION 21. IC 33-5-9.7-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 15. The judge of the Cass circuit court may, with the consent of the judge of ~~the a~~ court, sit as a judge of ~~the a~~ court in any matter as if he ~~was were~~ an elected judge of the court. The judge of ~~the a~~ court may, with consent of the judge of the circuit court, sit as a judge of the circuit court in any matter as if he ~~was were~~ an elected judge of the circuit court.

SECTION 22. IC 33-5-9.7-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 16. ~~The Cass~~ **Each** superior court has a standard small claims and misdemeanor division.

SECTION 23. IC 33-5-10-25 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 25. (a) The judges of the Clark circuit court and Clark superior court may jointly appoint one (1) full-time magistrate under IC 33-4-7 to serve the circuit and superior courts.**

(b) The magistrate continues in office until removed by the judges of the Clark circuit and superior courts.

SECTION 24. IC 33-5-13.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The court has, **before January 1, 2001, five (5) and, after December 31, 2000, six (6)** judges, who shall be elected at the general election every six (6) years in Elkhart County. A judge's term begins January 1 following the judge's election and ends December 31 following the election of the judge's successor.

(b) To be eligible to hold office as a judge of the court, a person must:

- (1) be a resident of Elkhart County;
- (2) be under seventy (70) years of age at the time the judge takes office; and



(3) be admitted to the bar of Indiana.

SECTION 25. IC 33-5-13.1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. **Before January 1, 2001**, three (3) **and, after December 31, 2000, four (4)** of the judges of the court shall hold sessions in the Elkhart County courts building in the city of Elkhart. Two (2) of the judges of the court shall hold sessions in an appropriate place in the city of Goshen selected by the county commissioners. The board of county commissioners shall provide and maintain suitable courtrooms and other rooms and facilities, including furniture and equipment, as may be necessary. The county council of Elkhart County shall appropriate sufficient funds for the provision and maintenance of such rooms and facilities.

SECTION 26. IC 33-5-13.1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 16. (a) The judges of the Elkhart circuit and superior courts may jointly appoint ~~one (1)~~ **two (2)** full-time ~~magistrate~~ **magistrates** under IC 33-4-7.

(b) The magistrate continues in office until removed by the judges of the circuit and superior courts.

SECTION 27. IC 33-5-18.1-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 15. (a) The judges of the Floyd circuit court, Floyd superior court, and Floyd county court may jointly appoint one (1) full-time magistrate under IC 33-4-7 to serve the circuit, superior, and county courts.**

(b) The magistrate continues in office until removed by the judges of the Floyd circuit, superior, and county courts.

SECTION 28. IC 33-5-29.5-7.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7.1. (a) The judges of the criminal division may appoint two (2) full-time magistrates under IC 33-4-7 ~~The magistrates continue to serve the criminal division. A magistrate appointed under this subsection continues~~ in office until removed by the judges of the criminal division.

(b) The judges of the civil division may appoint two (2) full-time magistrates under IC 33-4-7 to serve the civil division. A magistrate appointed under this subsection continues in office until removed by the judges of the civil division.

SECTION 29. IC 33-5-29.5-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 21. (a) The court is divided into civil (including probate), criminal, county, and juvenile divisions. The work of the court shall be divided among the divisions by the rules of the court.

(b) Before July 1, 2000, five (5) and, after June 30, 2000, seven



(7) judges comprise the civil division. Four (4) judges comprise the criminal division. **Before July 1, 2000**, three (3) judges **and, after June 30, 2000, four (4) judges** comprise the county division. One (1) judge comprises the juvenile division. However, the court by rule may alter the number of judges assigned to a division other than the county division of the court if the court determines that the change is necessary for the efficient operation of the court.

(c) The court by rule may reassign a judge of the court from one (1) division to another if the court determines that the change is necessary for the efficient operation of the court. The court by rule shall establish a rotation schedule providing for the rotation of judges through the various divisions. The rotation schedule may be used if a judge determines that an emergency exists. However, a senior judge of any division or a judge of the county division may not be reassigned or rotated to another division under this subsection.

(d) The chief judge of the court may assign a judge in one (1) division of the court to hear a case originating in another division of the court, and may reassign cases from one (1) judge to another, if the chief judge determines that the change is necessary for the efficient operation of the court.

SECTION 30. IC 33-5-29.5-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 27. The superior court of Lake County shall consist of:

(1) before July 1, 2000, thirteen (13) judges; and

(2) after June 30, 2000, sixteen (16) judges;

plus the Lake circuit court judge if the circuit court judge chooses to sit on the superior court of Lake County.

SECTION 31. IC 33-5-29.5-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 35. (a) When a vacancy occurs in the superior court of Lake County, **not including its county division**, the clerk of such court shall promptly notify the chairman and each member of the commission of such vacancy. The chairman shall call a meeting of the commission within ten (10) days following such notice. The commission shall submit its nominations of three (3) candidates for each vacancy and certify them to the governor as promptly as possible, and in any event not later than sixty (60) days from the time such vacancy occurs. When it is known that a vacancy will occur at a definite future date within the term of the governor then serving, but the vacancy has not yet occurred, the clerk shall notify the chairman and each member of the commission immediately of the forthcoming vacancy and the commission may within fifty (50) days of such notice of such vacancy make its nominations and submit to the



governor the names of three (3) persons nominated for such forthcoming vacancy.

(b) Meetings of the commission shall be called by its chairman, or in the event of the chairman's failure to call a necessary meeting, upon the call of any five (5) members of the commission. The chairman, whenever the chairman considers a meeting necessary, or upon the request by any five (5) members of the commission for a meeting, shall give each member of the commission at least five (5) days written notice by mail of the time and place of every meeting unless the commission at its previous meeting designated the time and place of its next meeting.

(c) Meetings of the commission are to be held at such a place in the Lake County government center in Crown Point, Indiana, or such other place, as the circuit court clerk of Lake County may arrange, at the direction of the chairman of the commission.

(d) The commission shall act only at a public meeting. IC 5-14-1.5 applies to meetings of the commission. The commission may not meet in executive session under IC 5-14-1.5-6.1 for the consideration of a candidate for judicial appointment.

(e) The commission may act only by the concurrence of a majority of its members attending a meeting. Five (5) members are required to constitute a quorum at a meeting.

(f) The commission shall have power to adopt reasonable and proper rules and regulations for the conduct of its proceedings and the discharge of its duties. These rules must provide for the receipt of public testimony concerning the qualifications of candidates for nomination to the governor.

SECTION 32. IC 33-5-29.5-39.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 39.5. A vacancy occurring on the superior court of Lake County, county division, must be filled by appointment of the governor. In the interests of justice, the governor shall consider only those qualifications listed in section 36 of this chapter.**

SECTION 33. IC 33-5-29.5-40 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 40. An appointment by the governor or chief justice, as required by section 39 **or 39.5** of this chapter, to the superior court of Lake County shall take effect immediately if a vacancy exists at the date of the appointment. The appointment shall take effect on the date the vacancy is created if no such vacancy yet exists at the date of appointment.

SECTION 34. IC 33-5-29.5-41 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 41. (a) Each judge appointed under section 39 of this chapter shall serve an initial term, which shall commence on the effective date of the appointment of any such judge and shall continue through December 31 in the year of the general election that follows the expiration of two (2) years from the effective date of the judge's appointment.

(b) Unless rejected by the electorate of Lake County under section 42 of this chapter, a judge of the civil division, criminal division, and juvenile division shall serve successive six (6) year terms.

(c) The term of office of a judge of the county division of the Lake superior court is six (6) years. **A judge appointed under section 39.5 of this chapter to fill a vacancy in the county division of the Lake superior court serves for the unexpired term of the vacating judge and until the appointed judge's successor is elected and qualified.**

(d) Each six (6) year term commences on the first day of January following the expiration of the preceding initial term or the preceding six (6) year term, as the case may be, and shall continue for six (6) years.

SECTION 35. IC 33-5-31.1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 12. (a) The judges of the court may, by a vote of the majority of the judges, appoint one (1) full-time magistrate under IC 33-4-7.

(b) The judges of the LaPorte circuit court and LaPorte superior court No. 4 may jointly appoint one (1) full-time magistrate under IC 33-4-7 to serve the circuit and superior courts.

~~(b)~~ (c) The magistrate **appointed under subsection (a)** continues in office until removed by the vote of a majority of the judges of the court.

(d) The magistrate appointed under subsection (b) continues in office until removed by the judges of the LaPorte circuit court and LaPorte superior court No. 4.

SECTION 36. IC 33-5-37.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. There is established a court of record to be known as the Noble superior court (referred to as ~~"the"~~ "court" in this chapter). The court may have a seal containing the words "Noble Superior Court, Noble County, Indiana". Noble County comprises the judicial district of the ~~court~~ **courts**.

SECTION 37. IC 33-5-37.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The court has ~~one~~ **(1) judge two (2) judges** who shall be elected at the general election every six (6) years in Noble County. ~~His~~ **The term of a judge** begins January 1 following ~~his~~ **the date of the judge's** election and ends

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December 31 following the election of ~~his~~ **the judge's** successor.

(b) To be eligible to hold office as judge of ~~the a~~ court, a person must:

- (1) be a resident of Noble County;
- (2) be under seventy (70) years of age at the time he takes office;
- and
- (3) be admitted to the bar of Indiana.

SECTION 38. IC 33-5-37.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. ~~The A~~ court has the same jurisdiction as the Noble circuit court.

SECTION 39. IC 33-5-37.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. The judge of ~~the a~~ court has the same powers relating to the conduct of the business of ~~the a~~ court as the judge of the Noble circuit court. The judge of ~~the a~~ court also may administer oaths, solemnize marriages, and take and certify acknowledgments of deeds.

SECTION 40. IC 33-5-37.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. The judge of ~~the a~~ court shall appoint a bailiff and an official court reporter for the court; their salaries shall be fixed in the same manner as the salaries of the bailiff and official court reporter for the Noble circuit court. Their salaries shall be paid monthly out of the treasury of Noble County as provided by law.

SECTION 41. IC 33-5-37.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. The clerk of ~~the a~~ court, under the direction of the judge of the court, shall provide order books, judgment dockets, execution dockets, fee books, and other books for ~~the a~~ court, which shall be kept separately from the books and papers of other courts.

SECTION 42. IC 33-5-37.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. ~~The A~~ court shall hold its sessions in the Noble County courthouse in Albion, Indiana, or in such other places in the county as the board of county commissioners of Noble County may provide. The board of county commissioners shall provide and maintain a suitable courtroom and other rooms and facilities, including furniture and equipment, as may be necessary. The county council of Noble County shall appropriate sufficient funds for the provision and maintenance of such rooms and facilities.

SECTION 43. IC 33-5-37.5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 11. The jury commissioners appointed by the judge of the Noble circuit court shall serve as the jury commissioners for ~~the a~~ court. Juries shall be selected

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in the same manner as juries for the Noble circuit court. The grand jury selected for the Noble circuit court shall also serve as the grand jury for ~~the a~~ court as may be necessary.

SECTION 44. IC 33-5-37.5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. The judge of the Noble circuit court may, with the consent of the judge of ~~the a~~ court, transfer any action or proceeding from the circuit court to the court. The judge of ~~the a~~ court may, with consent of the judge of the circuit court, transfer any action or proceeding from the court to the circuit court.

SECTION 45. IC 33-5-37.5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. The judge of the Noble circuit court may, with the consent of the judge of ~~the a~~ court, sit as a judge of the court in any matter as if he was an elected judge of the court. The judge of ~~the a~~ court may, with consent of the judge of the circuit court, sit as a judge of the circuit court in any matter as if he was an elected judge of the circuit court.

SECTION 46. IC 33-5-37.5-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 15. The court has a standard small claims and misdemeanor division.**

SECTION 47. IC 33-5-40-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 23. (a) The court, by rules duly adopted by the court, shall designate one (1) of the judges as ~~presiding~~ **presiding chief** judge and fix the time he shall preside. ~~and said~~

(b) **The chief** judge shall be responsible for the operation and conduct of the court and to seeing that ~~said the~~ court shall efficiently and judicially operate.

(c) **The chief judge shall do the following:**

- (1) **Assign cases to a judge of the court or reassign cases from one (1) judge of the court to another judge of the court to ensure the efficient operation and conduct of the court.**
- (2) **Assign and allocate courtrooms, other rooms, and other facilities to ensure the efficient operation and conduct of the court.**
- (3) **Annually submit to the fiscal body of St. Joseph County a budget for the court.**
- (4) **Make appointments or selections on behalf of the court that are required of a superior court judge under any statute.**
- (5) **Direct the employment and management of court personnel.**



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(6) Conduct cooperative efforts with other courts for establishing and administering shared programs and facilities.

SECTION 48. IC 33-5-40-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 24. Whenever any action of the entire court is required, then the judges of the court will act in concert. In the event of disagreement, then the decision of the majority of the judges shall control. **However, if the judges are evenly divided, the decision joined by the chief judge controls.**

SECTION 49. IC 33-5-40-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 25. The court shall, when in its opinion it shall be necessary, appoint such additional personnel for the proper administration of the court, including but not limited to an administrative officer who shall operate under the jurisdiction of the ~~presiding~~ **chief** judge.

SECTION 50. IC 33-5-40-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 26. The judge of the circuit court may, with the consent of ~~this court~~ **the chief judge**, transfer any action, cause, or proceeding filed and docketed in the circuit court to this court by transferring all original papers and instruments filed in such action, cause, or proceeding without further transcript thereof to be redocketed and disposed of as if originally filed with this court.

SECTION 51. IC 33-5-40-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 27. ~~Any~~ **The chief** judge of this court may, with the consent of the judge of the circuit court, transfer any action, cause, or proceeding filed and docketed in this court to the circuit court by transferring all original papers and instruments filed in such action, cause, or proceeding without further transcript thereof to be redocketed and disposed of as if originally filed with the circuit court.

SECTION 52. IC 33-5-40-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 28. The judge of the St. Joseph Circuit Court shall be, at ~~his~~ **the circuit court judge's** discretion, authorized to sit as a judge of this court, with the ~~court's~~ **chief judge's** permission, in all matters pending before this court, without limitation and without any further order, in the same manner and stead as if ~~he~~ **the judge of the circuit court** were a judge of this court with all the rights and powers as if ~~he~~ **the judge of the circuit court** were a duly elected judge of this court.

SECTION 53. IC 33-5-40-42 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 42. The commission shall submit with the list of five (5) nominees to the governor its



written evaluation of the qualifications of each candidate, and these names and written evaluations shall be publicly disclosed. Every eligible candidate whose name was not submitted to the governor shall have access to any evaluation on him by the commission and the right to make the evaluation public. Otherwise, the evaluation, **including the names of the candidates applying for the office**, shall remain confidential. If the commission should determine that there are less than five (5) persons qualified under section 44 of this chapter, they must submit a lesser number under section 44 of this chapter.

SECTION 54. IC 33-5-40-73 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 73. (a) After August 31, 1999, the court may appoint two (2) full-time magistrates under IC 33-4-7 to serve the court using the selection method provided by IC 36-1-8-10(b)(1) or IC 36-1-8-10(b)(2). Not more than one (1) of the magistrates appointed under this section may be a member of the same political party.**

(b) A magistrate continues in office until removed by the judges of the court.

(c) The powers of a magistrate appointed under this section include the powers provided in IC 33-4-7 and the power to enter a final order or judgment in any proceeding involving matters specified in IC 33-5-2-4 (jurisdiction of small claims docket) or IC 34-26-2 (protective orders to prevent abuse).

SECTION 55. IC 33-5-40.5-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 12. (a) The judge of the Sullivan circuit court and the judge of the Sullivan superior court may jointly appoint one (1) full-time magistrate under IC 33-4-7 to serve the circuit and superior courts.**

(b) The magistrate continues in office until removed by the judge of the Sullivan circuit court and the judge of the Sullivan superior court.

SECTION 56. IC 33-5-42.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]:

Chapter 42.2. Tippecanoe Superior Court No. 4, No. 5, and No. 6

Sec. 1. There are established three (3) courts of record in Tippecanoe County to be known as:

- (1) Tippecanoe superior court No. 4;**
- (2) Tippecanoe superior court No. 5; and**



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(3) Tippecanoe superior court No. 6; (referred to as "the court" in this chapter). Tippecanoe superior court No. 4, No. 5, and No. 6 may each have a seal containing the words "Tippecanoe Superior Court No. (Insert Court Division Number), Tippecanoe County, Indiana". Tippecanoe County comprises the judicial district of each court.

Sec. 2. (a) Tippecanoe superior court No. 4, No. 5, and No. 6 each has one (1) judge, who shall be elected at the general election every six (6) years in Tippecanoe County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

(b) To be eligible to hold office as judge of the court, a person must be:

- (1) a resident of Tippecanoe County;
- (2) less than seventy (70) years of age at the time of taking office; and
- (3) admitted to the bar of Indiana.

Sec. 3. (a) Except as provided in subsection (b), each court has the same jurisdiction as the Tippecanoe circuit court.

(b) Tippecanoe superior court No. 4, No. 5, and No. 6 do not have probate or juvenile jurisdiction.

Sec. 4. The judges of Tippecanoe superior court No. 4, No. 5, and No. 6 have the same powers relating to the conduct of the business of Tippecanoe superior court No. 4, No. 5, and No. 6 as the judge of the Tippecanoe circuit court. The judge of each court also may administer oaths, solemnize marriages, and take and certify acknowledgments of deeds.

Sec. 5. The judges of Tippecanoe superior court No. 4, No. 5, and No. 6:

- (1) shall each appoint a bailiff and an official court reporter for the court; and
- (2) may each appoint other court personnel necessary to facilitate and transact the business of the court.

A person appointed under this section serves at the pleasure of the judge appointing the person. Their salaries shall be fixed in the same manner as the salaries of the bailiff, official court reporter, and other personnel for the Tippecanoe circuit court. Their salaries shall be paid monthly out of the treasury of Tippecanoe County as provided by law.

Sec. 6. The judges of Tippecanoe superior court No. 4, No. 5, and No. 6 shall jointly appoint one (1) full-time magistrate under IC 33-4-7. The magistrate continues in office until jointly removed



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by the judges of the courts.

Sec. 7. The clerk of the circuit court, under the direction of the judge of a court, shall provide order books, judgment dockets, execution dockets, fee books, and other books for the court, which shall be kept separately from the books and papers of other courts.

Sec. 8. Each court shall hold its sessions in the Tippecanoe County courthouse in Lafayette, Indiana, or in other places in the county that the Tippecanoe county executive may provide. The county executive shall provide and maintain a suitable courtroom and other rooms and facilities, including furniture and equipment, as may be necessary for each court. The Tippecanoe County fiscal body shall appropriate sufficient funds for the provision and maintenance of these rooms and facilities.

Sec. 9. The jury commissioners appointed by the judge of the Tippecanoe circuit court shall serve as the jury commissioners for Tippecanoe superior court No. 4, No. 5, and No. 6. Juries shall be selected in the same manner as juries for the Tippecanoe circuit court. The grand jury selected for the Tippecanoe circuit court shall also serve as the grand jury for a court as may be necessary.

Sec. 10. The judge of the Tippecanoe circuit court or another superior court in the county may, with the consent of the judge of Tippecanoe superior court No. 4, No. 5, or No. 6, transfer any action or proceeding from the circuit court to Tippecanoe superior court No. 4, No. 5, or No. 6. The judge of Tippecanoe superior court No. 4, No. 5, or No. 6 may, with the consent of the judge of the circuit court or the judge of another superior court in the county, transfer any action or proceeding from Tippecanoe superior court No. 4, No. 5, or No. 6 to the circuit court or the other superior court in the county.

Sec. 11. The judge of the Tippecanoe circuit court or another superior court in the county may, with the consent of the judge of Tippecanoe superior court No. 4, No. 5, or No. 6, sit as a judge of the court in any matter as if the judge of the circuit court or the other superior court were an elected judge of Tippecanoe superior court No. 4, No. 5, or No. 6. The judge of Tippecanoe superior court No. 4, No. 5, or No. 6 may, with consent of the judge of the circuit court or the judge of another superior court in the county, sit as a judge of the circuit court or the other superior court in any matter as if the judge of Tippecanoe superior court No. 4, No. 5, or No. 6 were an elected judge of the circuit court or the other superior court.

Sec. 12. Tippecanoe superior court No. 4, No. 5, and No. 6 each



has a standard small claims and misdemeanor division.

Sec. 13. (a) Except as provided in this section, a judge of Tippecanoe superior court No. 4, No. 5, or No. 6 may adopt rules for conducting business in the court.

(b) Rules adopted under this section must be consistent with the laws of Indiana and the rules adopted by the supreme court.

(c) When adopting local rules to govern in all the courts of record in the county, the judge of the circuit court and the judges of all superior courts in the county shall act in concert. In the event of a disagreement, the decision of a majority of the judges controls. In the event of a tie, the decision joined by the circuit court judge controls.

(d) The judges of Tippecanoe superior court No. 4, No. 5, and No. 6 shall jointly adopt rules to provide for the coordination and conduct of the standard small claims and misdemeanor divisions in the courts.

Sec. 14. (a) The judges of Tippecanoe superior court No. 4, No. 5, and No. 6, by rules jointly adopted by the courts, shall designate one (1) of the judges of the courts as presiding judge for the standard small claims and misdemeanor divisions of the courts.

(b) The presiding judge shall insure that the standard small claims divisions operate efficiently.

SECTION 57. IC 33-5-43-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1.1. (a) The judges of the Vanderburgh superior court may jointly appoint not more than ~~two~~ **(2) four (4)** full-time magistrates under IC 33-4-7.

(b) A magistrate continues in office until jointly removed by the judges.

SECTION 58. IC 33-5.1-2-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 26. (a) The presiding judge may appoint one (1) full-time magistrate under IC 33-4-7.

(b) A magistrate appointed under this section may only hear

(1) criminal proceedings. ~~brought under IC 35-48; and~~

(2) ~~drug related proceedings brought under IC 34-24-1 (or IC 34-4-30.1 before its repeal);~~

(c) The magistrate continues in office until removed by the presiding judge.

SECTION 59. IC 33-10.1-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) A city court is not a court of record.

(b) A town court is not a court of record.

(c) A person selected as judge of the following courts must be an



attorney in good standing under the requirements of the supreme court:

- (1) Anderson city court.
- (2) **Avon town court.**
- (3) Brownsburg town court.
- (3) (4) Carmel city court.
- (4) (5) A city or town court located in Lake County.
- (5) (6) Muncie city court.
- (6) (7) Noblesville city court.
- (7) (8) Plainfield town court.

SECTION 60. IC 33-10.5-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 6. The county courts of the following counties each have two (2) judges:

Madison County.

~~Tippecanoe County.~~

Vigo County.

SECTION 61. IC 33-10.5-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) **This section applies to the Tippecanoe county court.**

(b) The judges of the county court may jointly appoint one (1) full-time magistrate under IC 33-4-7.

(b) (c) The magistrate appointed under this chapter may also serve the Tippecanoe circuit and superior courts.

(c) (d) The magistrate appointed under this chapter continues in office until removed by the judges of the county court.

SECTION 62. IC 33-10.5-10-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) **The judges of the Floyd circuit court, Floyd superior court, and Floyd county court may jointly appoint one (1) full-time magistrate under IC 33-4-7 to serve the circuit, superior, and county courts.**

(b) **The magistrate continues in office until removed by the judges of the Floyd circuit, superior, and county courts.**

SECTION 63. IC 33-10.5-10-1 IS REPEALED [EFFECTIVE JULY 1, 1999].

SECTION 64. IC 33-10.5-10-2 IS REPEALED [EFFECTIVE JANUARY 1, 2001].

SECTION 65. [EFFECTIVE JULY 1, 1999] (a) **At midnight on December 31, 2000, Tippecanoe county court No. 1 is abolished.**

(b) **Any case pending in Tippecanoe county court No. 1 after the close of business on December 31, 2000, is transferred on January 1, 2001, to Tippecanoe superior court No. 4 established by IC 33-5-42.2-1, as added by this act. All cases transferred under**



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this SECTION that are eligible to be heard by the standard small claims and misdemeanor division shall be transferred to the standard small claims and misdemeanor division of the court in accordance with the venue requirements prescribed in Rule 75 of the Indiana rules of trial procedure. A case transferred under this SECTION shall be treated as if the case were filed in Tippecanoe superior court No. 4.

(c) On January 1, 2001, all property and obligations of Tippecanoe county court No. 1 become the property and obligations of Tippecanoe superior court No. 4.

(d) The initial judge of Tippecanoe superior court No. 4, established by IC 33-5-42.2-1, as added by this act, shall be the person who is the Tippecanoe county court No. 1 judge on December 31, 2000. The term of the initial judge begins January 1, 2001, and ends December 31, 2002. The initial election of a judge for Tippecanoe superior court No. 4, established by IC 33-5-42.2-1, as added by this act, shall be the general election conducted on November 5, 2002. The term of the initial elected judge begins January 1, 2003.

(e) This SECTION expires January 2, 2003.

SECTION 66. [EFFECTIVE JULY 1, 1999] (a) At midnight on December 31, 2000, Tippecanoe county court No. 2 is abolished.

(b) Any case pending in Tippecanoe county court No. 2 after the close of business on December 31, 2000, is transferred on January 1, 2001, to Tippecanoe superior court No. 5, established by IC 33-5-42.2-1, as added by this act. All cases transferred under this SECTION that are eligible to be heard by the standard small claims and misdemeanor division shall be transferred to the standard small claims and misdemeanor division of the court in accordance with the venue requirements prescribed in Rule 75 of the Indiana Rules of Trial Procedure. A case transferred under this SECTION shall be treated as if the case were filed in Tippecanoe superior court No. 5.

(c) On January 1, 2001, all property and obligations of Tippecanoe county court No. 2 become the property and obligations of Tippecanoe superior court No. 5.

(d) The initial judge of Tippecanoe superior court No. 5, established by IC 33-5-42.2-1, as added by this act, shall be the person who is the Tippecanoe county court No. 2 judge on December 31, 2000. The term of the initial judge begins January 1, 2001, and ends December 31, 2002. The initial election of a judge for Tippecanoe superior court No. 5, established by IC 33-5-42.2-1,



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as added by this act, shall be the general election conducted on November 5, 2002. The term of the initial elected judge begins January 1, 2003.

(e) This SECTION expires January 2, 2003.

SECTION 67. [EFFECTIVE JULY 1, 1999] (a) The initial election of a judge for Tippecanoe superior court No. 6, established by IC 33-5-42.2-1, as added by this act, shall be the general election conducted on November 7, 2000. The term of the initial elected judge begins January 1, 2001.

(b) This SECTION expires January 2, 2003.

SECTION 68. [EFFECTIVE JULY 1, 1999] At midnight December 31, 2000, the office of magistrate of the Tippecanoe county court established by IC 33-10.5-10-2 is abolished. The magistrate serving as magistrate of the Tippecanoe county court on December 31, 2000, shall serve as the initial full-time magistrate for Tippecanoe superior court No. 4, Tippecanoe superior court No. 5, and Tippecanoe superior court No. 6 as if appointed for the superior courts under IC 33-4-7. The magistrate continues to serve until jointly removed by the judges of Tippecanoe superior court No. 4, Tippecanoe superior court No. 5, and Tippecanoe superior court No. 6.

SECTION 69. [EFFECTIVE JULY 1, 1999] (a) On July 1, 1999, the Noble county court is abolished.

(b) Any case pending in the Noble county court after the close of business on June 30, 1999, is transferred on July 1, 1999, to the Noble superior court established by this act. All cases transferred under this SECTION that are eligible to be heard by the standard small claims and misdemeanor division shall be transferred to the standard small claims and misdemeanor division of the court. A case transferred under this SECTION shall be treated as if the case were filed in the Noble superior court.

(c) On July 1, 1999, all property and obligations of the Noble county court become the property and obligations of the Noble superior court.

(d) The initial judge of the Noble superior court added by IC 33-5-37.5-2, as amended by this act, shall be the person who is the Noble county court judge on June 30, 1999. The term of the initial judge begins July 1, 1999, and ends December 31, 2002. The initial election of a judge for the Noble superior court added by IC 33-5-37.5-2, as amended by this act, shall be the general election conducted on November 5, 2002. The term of the initial elected judge begins January 1, 2003.



(e) This SECTION expires January 2, 2003.

SECTION 70. [EFFECTIVE JULY 1, 1999] (a) The initial judge of the Elkhart superior court added by IC 33-5-13.1-2, as amended by this act, shall be elected at the general election held on November 7, 2000. The initial term of an elected judge described in this subsection begins January 1, 2001.

(b) The initial judges of the Lake superior court, civil division, added by IC 33-5-29.5-21 and IC 33-5-29.5-27, both as amended by this act, shall be appointed under IC 33-5-29.5 before July 1, 2000. The initial term of a judge described in this subsection begins July 1, 2000, and ends December 31, 2004. IC 33-5-29.5-41, as amended by this act, applies to the retention of a judge described in this subsection.

(c) The initial judge of Lake superior court, county division No. 4, added to the Lake superior court by IC 33-5-29.5-21 and IC 33-5-29.5-27, both as amended by this act, shall be appointed by the governor before July 1, 2000. The initial term of the appointed judge begins July 1, 2000, and ends December 31, 2006. The initial election of a judge to succeed the appointed judge shall be the general election held on November 6, 2006. The term of the elected judge described in this subsection begins January 1, 2007.

(d) This SECTION expires January 2, 2007.

SECTION 71. [EFFECTIVE JULY 1, 1999] (a) The judge of the Cass circuit court may appoint one (1) full-time magistrate under IC 33-4-7 to serve the Cass circuit court and the Cass superior court until December 31, 2000.

(b) This SECTION expires January 2, 2001.

SECTION 72. [EFFECTIVE JULY 1, 1999] (a) On January 1, 2001, the Cass superior court in existence on January 1, 1999, is renamed Cass superior court No. 1.

(b) The initial election of the judge of Cass superior court No. 2, as added by IC 33-5-9.7-1, as amended by this act, is the general election to be held November 7, 2000. The person elected takes office January 1, 2001.

(c) This SECTION expires January 2, 2001.

SECTION 73. [EFFECTIVE JULY 1, 1999] (a) This SECTION applies if the judge serving as presiding judge of the St. Joseph superior court on June 30, 1999 would otherwise, in the absence of the amendment of IC 35-5-40-2 made by this act, serve any part of the judge's term as presiding judge after June 30, 1999.

(b) The judge of the St. Joseph superior court serving as presiding judge on June 30, 1999, is the initial chief judge of the St.

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Joseph superior court under IC 35-5-40-2, as amended by this act, for the remainder of the judge's unexpired term as presiding judge.

SECTION 74. [EFFECTIVE UPON PASSAGE] IC 33-10.1-5-7, as amended by this act, does not apply to a person who is elected as judge of the Avon town court in the 1999 general election.

SECTION 75. An emergency is declared for this act.

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